

REMARKS/ARGUMENTS

The undersigned first thanks the Examiner and the Supervisory Examiner for the courtesy of discussing the novelty of the pending claims against U.S. Patent No. 5,701,253 to Mayell et al. ("the Mayell Patent") during a telephone conference on Thursday, April 3, 2003. The Mayell Patent had been relied upon by the Examiner in the previous Office Actions in making prior art rejections. As a result of that telephone conference, it was our understanding that the Examiner agreed that the pending claims were distinguishable from the Mayell Patent. In addition, based on a telephonic confirmation by the Examiner on May 16, 2003, we understand that we were not required to file any statement of the substance of the April 3, 2003 Interview, in spite of what is stated in the last paragraph of the Interview Summary prepared by the Examiner.

Upon entry of this Amendment, Claims 8-27 will remain pending in this application, Claims 1-7 having been canceled previously without prejudice or disclaimer. Reconsideration and allowance of all of the pending claims in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Rejections - 35 U.S.C. § 112

In the April 17, 2003 Office Action, the Examiner rejected Claim 17 under 35 U.S.C. § 112 for lacking sufficient antecedent basis for the "integrated circuit" limitation. Claim 17 has been appropriately amended to eliminate the problem of lack of sufficient

antecedent basis for the integrated circuit limitation. Accordingly, it is respectfully requested that this rejection with respect to Claim 17 be withdrawn and this claim be allowed.

Claim Rejections - 35 U.S.C. § 102

Independent Claims 8 and 22, as well as dependent Claim 19, were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,930,093 to Morrisett ("the '093 Patent"). Applicants respectfully submit that the '093 Patent does not anticipate independent Claims 8 and 22 as currently amended, or any of their dependent claims.

The '093 Patent is directed to a method and apparatus for limiting a fault current in a portable welding gun by providing an auxiliary testing circuit called "safety circuit." (See FIG. 7). The '093 Patent discloses that the resistors in the safety circuit are "sized to limit the fault current to approximately 50 ma," not the full current flowing to a load (i.e., transgun 16) which could reach as high as 575 mA in the "worst case" scenario as shown in FIGS. 3 and 5. (Col. 3, lines 35-36). In other words, the '093 Patent merely teaches supplying a reduced current to an auxiliary safety circuit 38 to test for any current imbalance indicating fault current before supplying full current to the load 16 through isolation contactors 17. During supply of full current to the load, a conventional

current imbalance detector 34 is shown to be used to monitor the currents to detect a current imbalance.

The '093 Patent simply does not teach or even suggest a device or method that allows continuous monitoring of currents to and from a load for detection of a current imbalance using resistive shunts. On the other hand, all of the independent claims of the present application (*i.e.*, Claims 8 and 22) as currently amended require continuous monitoring of currents to and from a load to detect a current imbalance. Accordingly, Applicants respectfully submit that the '093 Patent does not anticipate independent Claims 8 and 22, or their respective dependent claims including Claim 19 dependent on Claim 8. It is respectfully requested that this rejection be withdrawn and that these claims be allowed over the '093 Patent.

Claim Rejections - 35 U.S.C. § 103

Dependent Claims 9-21 and 23-27 were rejected under 35 U.S.C. § 103 as being unpatentable over the '093 Patent as applied to independent Claims 8 and 22, and further in view of other cited prior art. Applicants respectfully submit that as the '093 Patent does not anticipate or render obvious independent Claims 8 and 22 as currently amended, none of the cited prior art, either alone or in combination, renders obvious any claims dependent on either Claim 8 or Claim 22.

As discussed above, the '093 Patent merely teaches supplying a reduced current to an auxiliary safety circuit 38 to test for any current imbalance indicating fault current before supplying full current to the load 16 through isolation contactors 17. (See FIG. 7). The '093 Patent simply does not teach or suggest a device or method that allows continuous monitoring of the currents to and from a load for detection of a current imbalance using resistive shunts. On the other hand, independent Claims 8 and 22 of the present application as currently amended require continuous monitoring of currents to and from a load to detect a current imbalance. Accordingly, Applicants respectfully submit that the '093 Patent, either alone or in combination with any other cited prior art, does not render independent Claims 8 and 22 obvious.

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP 2143.03. Therefore, the '093 Patent, either alone or in combination with any other cited prior art, does not render Claims 9-21 and 23-27 obvious. It is respectfully requested that this rejection be withdrawn and that all of the pending claims be allowed over the cited prior art.

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Reply to Office Action of April 17, 2003


In light of the foregoing amendments and remarks, Applicants respectfully request that the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Included herewith is a petition for a three month extension of time. A check in the amount of \$950 is also included herewith to cover the fee for a three month extension of time for response. No additional fees or extensions of time are believed to be due. However, authorization is given hereby to charge Deposit Account No. 01-1785 for any deficiency in fees necessary to preserve the pendency of the subject application.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

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By: 
Abraham Kasdan
Registration No.: 32,997